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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA, ) No. 05-00288 RMW  
17 Plaintiff, )  
18 v. ) STIPULATION AND [REDACTED]  
19 MARIO PONCE, ) ORDER EXCLUDING TIME  
20 Defendant. ) SAN JOSE VENUE  
21 \_\_\_\_\_)

22 On October 30, 2006, the undersigned parties appeared before the Court for a status  
23 appearance. At that appearance, Assistant Federal Public Defender Lara Vinnard informed the  
24 Court that the defendant needed to meet with his immigration counsel regarding the outcome of  
25 his collateral attack on his state conviction. Therefore, the parties requested that the case be  
26 continued to November 13, 2006 at 9:00 a.m. In addition, the parties request an exclusion of  
27 time under the Speedy Trial Act from October 30, 2006 to November 13, 2006. The parties  
28 agree and stipulate that an exclusion of time is appropriate based on the defendant's need for  
effective preparation of counsel.

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1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

3 DATED: \_\_\_\_\_

/s/  
4 SUSAN KNIGHT  
Assistant United States Attorney

5 DATED: \_\_\_\_\_

/s/  
6 LARA S. VENNARD  
7 Assistant Federal Public Defender

8 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status hearing  
9 be continued to November 13, 2006 at 9:30a.m.

10 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from  
11 October 30, 2006 to November 13, 2006. The Court finds, based on the aforementioned reasons,  
12 that the ends of justice served by granting the requested continuance outweigh the best interest of  
13 the public and the defendant in a speedy trial. The failure to grant the requested continuance  
14 would deny defense counsel reasonable time necessary for effective preparation, taking into  
15 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
16 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)  
17 and (B)(iv).

18 SO ORDERED.

19 DATED: 11/17/06

/s/ Ronald M. Whyte

20 RONALD M. WHYTE  
21 United States Magistrate Judge